IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 3470/2007

MAHENDRA
Vs.
ADDITIONAL CIVIL JUDGE (SENIOR DIVISION),
JHUNJHUNU & ANR.

Date: 10.08.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

Mr. Aslam Khan for the petitioner.
Mr. M.M. Ranjan for the respondent No.2.

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It is not disputed the respondent No.2 filed a election petition against the petitioner on the ground that the petitioner is involving in some criminal case and the trial is in progress, therefore, the petitioner cannot hold the post of Sarpanch of Gram Panchayat Ardavata. The petitioner by way of application under Order 6 Rule 17 CPC wanted to counter attack on the respondent No.2 that he is also not eligible to be declared elected as he is having 3 children and to this effect he wants to file written statements.

On the other hand, learned counsel for the respondents submits at bar that he is not claiming any relief to declare him elected and if the election

petition is allowed the election of the petitioner shall stand set aside. He only wants that the petitioner should not hold the post of Sarpanch during trial of the criminal case.

I have heard rival submissions of the respective parties and have also gone through the impugned order dated 11.04.2007 passed by the Additional Civil Judge (Sr. Division), Jhunjhunu.

The trial Court has considered each and every aspect and has observed that by way of allowing written statement, it will create new facts which are not in the election petition and has rejected the application. By way of amendment the entire scope of election petition will be changed and the petitioner can file counter petition but the same has not been filed.

Thus, I find no illegality or error in the impugned order dated 11.04.2007 and the same requires no interference by this Court.

Consequently, the writ petition fails and the same is hereby dismissed. The interim order dated 01.06.2007 granted by this Court also stands rejected.

(K.S. RATHORE),J.

/KKC/